

drawings), to provide a reference point for the bi-directionality of the measuring tape, to recite that the hook of the invention retains the measuring tape tab, and to delete the negative limitation.

Applicant has similarly rewritten Claim 11 (now new claim 15) to clarify that the housing is two halves, to recite that the hooks are located in the blade end (which is clearly identified in the drawings), and to delete the negative limitation. Of the reasons for rejection listed for Claim 7, these are the three that apply to Claim 15.

In the rejection for Claim 7, line 12, the Examiner also asks how a hook, inherently having an opening facing in a single direction, acts in a reversible manner. Applicant respectfully submits that the description of the hook of the invention as "having an opening facing in a single direction" mischaracterizes the invention. The hook itself does not act in a reversible manner - the hook reversibly retains a measuring tape, which means that the measuring tape can be removed from the hook.

Applicant submits that these amendments to the claims overcome this basis for rejection of Claims 7 and 11 (now rewritten as new claims 14 and 15) under §112, and Applicant respectfully requests reconsideration of rewritten claims in light of the Amendments and the arguments set forth above.

### **Rejection Under 35 U.S.C. § 103**

Claims 7 - 9 and 11-13 are rejected as unpatentable over Mackie. Applicant has cancelled claims 8, 9, 12 and 13, causing the Examiner's rejection of these claims to be moot.

The Examiner characterizes Mackie as disclosing a single hook at the blade end of a utility knife housing, the housing consisting of two halves. The Examiner acknowledges that Mackie does not disclose 2 hooks, but states that it would have been obvious to have provided two hooks.

Applicant submits that Mackie does not describe a hook (having two sides and an apex, with an open bottom, as described and claimed by Applicant), but instead describes and claims a "slot for receiving a measuring tape," which is surrounded on all sides by material (abstract, independent claims, drawings, and in the specification at Col. 2, line 25). Moreover, the slot described by Mackie is not integrated into and a part of the housing - it is a separate part that must be attached to the knife, and detached and reassembled whenever the user wishes to change the direction in which a measuring tape is to be extended from the hook (assembled and

disassembled it is not two hooks alone that provides the patentable features of the invention, but the fact, two halve housing; a retractable blade; a tape measure with a ruler and tab in parallel alignment and a hook in the housing. The Examiner states that although Mackie does not disclose hooks on each half of the housing, such hooks would have been obvious to one of ordinary skill in the art.

Applicant has amended the claims to delete the "adapted to perform a function" language discussed by the Examiner in part 5 of the Office Action (paper no. 6), and has inserted positive limitations that clarify (i) that the claimed invention has a total of two parts (being the two halves of the housing of the knife of the invention), (ii) that the hook is positioned between the blade and the back end of the housing, and (iii) that the hook of the invention is bi-directional.

Applicant respectfully traverses this basis for rejection since Mackie does not disclose a knife having a hook that is not a separate piece, or a bi-directional hook, or a hook that permits insertion of the blade up to the housing. Applicant further asserts that the bi-directional hook of Applicant's invention is not obvious. In light of the amendments to the claims and the arguments set forth below, Applicant respectfully submits that this basis for rejection may be withdrawn.

Mackie discloses a utility knife with a hook attachment, where the knife must be disassembled and the attachment *inserted partially alongside the blade* of the knife, then the knife is reassembled. In order to change the side that the tape measures on, the user must again disassemble the knife, put the hook on the other side, and reassemble the knife. In addition, when using the hook of Mackie, the blade cannot be inserted to its full depth, as the hook of Mackie rests alongside the blade (as shown in figures 1 – 3 and as described throughout the specification, for instance in Col. 2, lines 30 – 33 and 50 – 55. In the invention of Mackie, bi-directionality could only be accomplished by inserting two of the hooks of Mackie's invention, which would create a very thick profile (which may be uncomfortable to the user) and which may require lengthening of the screws that come with a standard utility knife to accommodate the thickness of both pieces.

Applicant describes and claims (as amended) a utility knife having an angled hook located between the front and the back of the housing for holding a measuring tape tab which, by virtue of the hook location and design, can be used for measuring to the right or left without disassembly or reassembly, which holds the tape in approximately parallel orientation and close

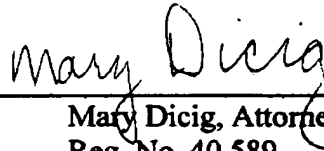
to the surface to be cut, which does not require the use of small parts and which accommodates a variety of tab sizes, and which does not increase the profile of the knife. These advantages are described in throughout the Specification and specifically at pages 4 and 5.

In contrast to Mackie, Applicant's invention describes a hook that is part of the knife housing, obviating the need to carry a separate piece or disassemble/reassemble the knife. Moreover, by juxtaposing the two hooks in the housing to form a single opening in the assembled knife, Applicant's invention retains a slim profile in that no thickness is added, in contrast to Mackie. Applicant asserts that this feature is not obvious, as it is more than a routine duplication of parts – it is a fundamental design change with provides Applicant's invention with significant improvements over Mackie, namely, retention of the standard profile and no need to disassemble/reassemble.

Also in contrast to Mackie, the knife of the invention permits the blade to be inserted close to the surface to be cut (i.e. to the full depth of the blade). This feature overcomes one of the significant limitations in the prior art including Mackie (as discussed on p. 2 of Applicant's specification) since the hook of the invention does not limit the depth of cutting, as does the hook described by Mackie.

Accordingly, Mackie does not teach a bi-directional hook, a two-part combined hook and housing, or a hook located between the blade and rear end of the housing, as now claimed by Applicant. Thus, Mackie does not render Applicant's invention obvious, and the Examiner's rejection of claims 7-9 and 11-13 may be withdrawn. Reconsideration of these claims is respectfully requested.

Sincerely,



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